

Since my last letter dated August 4, 2009, the Congress has cleared and the President has signed an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (Public Law 111-68). This act affects budget authority and outlays for fiscal year 2009.

Sincerely,

ROBERT A. SUNSHINE,  
For Douglas W. Elmendorf, Director.

TABLE 1—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF SEPTEMBER 30, 2009

[In billions of dollars]

	Budget Resolution <sup>1</sup>	Current Level <sup>2</sup>	Current Level Over/Under (–) Resolution
<b>ON-BUDGET</b>			
Budget Authority .....	3,668.6	3,671.6	3.0
Outlays .....	3,357.2	3,365.0	7.8
Revenues .....	1,532.6	1,532.6	0.0
<b>OFF-BUDGET</b>			
Social Security Outlays <sup>3</sup> .....	513.0	513.0	0.0
Social Security Revenues .....	653.1	653.1	0.0

<sup>1</sup> S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$7.2 billion in budget authority and \$1.8 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

<sup>2</sup> Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

<sup>3</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.  
SOURCE: Congressional Budget Office.

TABLE 2—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF SEPTEMBER 30, 2009

[In millions of dollars]

	Budget Authority	Outlays	Revenues
<b>Previously Enacted <sup>1</sup></b>			
Revenues .....	n.a.	n.a.	1,532,571
Permanents and other spending legislation .....	2,186,897	2,119,086	n.a.
Appropriation legislation .....	2,031,683	1,851,797	n.a.
Offsetting receipts .....	–640,548	–640,548	n.a.
<b>Total, Previously enacted .....</b>	<b>3,578,032</b>	<b>3,330,335</b>	<b>1,532,571</b>
<b>Enacted this session:</b>			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22) <sup>2</sup> .....	106	3,896	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products...and for other purposes (P.L. 111–31) .....	11	2	8
Supplemental Appropriations Act, 2009 (P.L. 111–32) <sup>2</sup> .....	89,682	26,992	0
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (P.L. 111–39) .....	–187	–202	0
An act to authorize the Director of the United States Patent and Trademark Office to use funds...and for other purposes (P.L. 111–45) .....	0	5	0
An act to restore sums to the Highway Trust Fund, and for other purposes (P.L. 111–46) <sup>3</sup> .....	–40	–40	0
An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (P.L. 111–68) <sup>4</sup> .....	4,000	4,000	0
<b>Total, enacted this session .....</b>	<b>93,572</b>	<b>34,653</b>	<b>8</b>
<b>Total Current Level <sup>2,3,4,5</sup> .....</b>	<b>3,671,604</b>	<b>3,364,988</b>	<b>1,532,579</b>
<b>Total Budget Resolution <sup>6</sup> .....</b>	<b>3,675,736</b>	<b>3,358,952</b>	<b>1,532,579</b>
Adjustment to budget resolution for disaster allowance <sup>7</sup> .....	–7,150	–1,788	0
<b>Adjusted Budget Resolution .....</b>	<b>3,668,586</b>	<b>3,357,164</b>	<b>1,532,579</b>
<b>Current Level Over Budget Resolution .....</b>	<b>3,018</b>	<b>7,824</b>	<b>0</b>
<b>Current Level Under Budget Resolution .....</b>	<b>n.a.</b>	<b>n.a.</b>	<b>0</b>
SOURCE: Congressional Budget Office. Note: n.a. = not applicable; P.L. = Public Law.			
<sup>1</sup> Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.			
<sup>2</sup> Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22) .....	–630	–630	0
Supplemental Appropriations Act, 2009 (P.L. 111–32) .....	16,169	3,530	0
<b>Total, amounts designated as emergency .....</b>	<b>15,539</b>	<b>2,900</b>	<b>0</b>
<sup>3</sup> Section 1 of P.L. 111–46 appropriated \$7 billion to the Highway Trust Fund. The enactment of this legislation followed an announcement by the Secretary of Transportation on June 24, 2009, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that P.L. 111–46 will reverse this policy and restore payments to states at levels already assumed in current level. Thus, enactment of section 1 results in no change to current level totals. Other provisions of the act will reduce budget authority and outlays by \$40 million in 2009.			
<sup>4</sup> Section 164 of Division B of P.L. 111–68 reduces the required transfer from the Postal Service Fund to the Postal Service Retiree Health Benefits Fund for fiscal year 2009 by \$4 billion. The transfer does not affect unified budget totals; however, since the Postal Service Fund is off-budget, and current level does not include off-budget amounts, only the on-budget piece of the transfer (an increase in spending of \$4 billion) is shown in current level totals.			
<sup>5</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.			
<sup>6</sup> Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:			
<b>Original Budget Resolution Totals .....</b>	<b>3,675,927</b>	<b>3,356,270</b>	<b>1,532,571</b>
<b>Revisions:</b>			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	–1,530	2,240	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products...and for other purposes (sections 311(a) and 307) .....	11	2	8
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....	1,515	642	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303) .....	–187	–202	0
<b>Revised Budget Resolution Totals .....</b>	<b>3,675,736</b>	<b>3,358,952</b>	<b>1,532,579</b>

<sup>7</sup> S. Con. Res. 13 includes \$7,150 million in budget authority and \$1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

## VOTE EXPLANATIONS

Mr. KERRY. Mr. President, I am necessarily absent for the vote today on the McCain amendment, Senate Amendment No. 2626 to the fiscal year 2010 Commerce, Justice, Science Appropriations bill (H.R. 2847). If I were able to attend today's session, I would have opposed the McCain amendment.

Mr. President, I was necessarily absent for the vote on the fiscal year 2010 Agriculture appropriations conference

report and the Ensign motion to recommit the Senate fiscal year 2010 Commerce, Justice, and Science appropriations bill, H.R. 2847. If I were able to attend today's session, I would have supported the fiscal year 2010 Agriculture conference report and opposed the Ensign motion to recommit H.R. 2847.

## REMEMBERING SENATOR EDWARD KENNEDY

Mr. BARRASSO. Mr. President, in this chamber we have witnessed incredibly moving eulogies and remembrances of our departed colleague Senator Edward Kennedy. Obituaries in national and international newspapers convey the historic milestones of his life that none could forget, as well as more personal stories of the man that fewer knew.

So much has been said and written since Senator Kennedy's death August 25, 2009. Many of these stories paint the picture of his family, his life, his accomplishments, his legacy all of it extraordinary. Many of us are students of history. Indeed Senator Kennedy lived history.

I am reminded of the recollections of one of my predecessors as U.S. Senator for Wyoming, and a dear friend of Senator Kennedy, Senator Al Simpson. In an interview from 1997 given to the Institute of International Studies at the University of California as part of their "Conversation of History" project, Senator Simpson was asked: Who was the finest legislator he had ever worked with? Senator Simpson replied:

The finest legislator I ever worked with was Ted Kennedy. He had a magnificent staff, he even had a parliamentarian on that staff of his. So when you were in the legislative arena and you were bringing your lunch and staying late, you wanted to get Ted on your side or at least use some of his expertise. I would go to him sometimes early on and say look, you'll have to trust me, what the hell do I do right now to move this bill? Boy I'll tell you he had ways to do it and as you can see he uses those skills on issues in which I was totally on the other side. I can't remember them all there were so many. We were never on the same side. But he is a legislator.

And so he was. He was a quintessential legislator. There is no question about that.

Most of those who have so eloquently written and spoken since his death knew the Senator much better than I. Presidents, Senators, world leaders, and other dignitaries, members of his family and friends back in New England. They recall the Senator all of us in the Senate knew, even if only briefly a kind, caring, passionate, and deliberate figure.

Others have detailed his accomplishments they are legendary and lasting. What can I add to these recollections?

I was neither a close friend, confidante, nor legislative partner to Senator Kennedy. I was a new Senator from Wyoming when I first met him. But the story I have, I would like to share, as it is meaningful and illustrates his larger than life personality in the U.S. Senate.

On June 25, 2007, I was sworn in to the U.S. Senate. Senator Kennedy was one of a handful of Democrats in the Chamber. As you would expect, I had a lot of family members in the gallery. Later, they joined me along with Malcolm Wallop, former U.S. Senator for Wyoming, and Senator Mike Enzi in a reception off this floor.

As I was walking up the center aisle to leave the Chamber, there was a booming voice that reverberated through the Chamber. "Senator, Senator!" I was new. I had been a U.S. Senator at that point for all of 60 seconds, so I ignored the calls. At that moment a hand grabbed my shoulder, I turned and heard this booming voice again "Hi, I'm Ted Kennedy." Senator Kennedy through his voice and his presence knew how to get your attention.

All of those who came to see me sworn in—family, friends from Wyoming—they heard it too and we all broke out laughing. "Senator Kennedy, we know who you are."

Senator Kennedy began to tell me stories of his life and about his visits to Wyoming. He spoke about a trip to Rock Springs, WY, when his brother John was running for President. He spoke of Wyoming casting the votes to secure the nomination for John.

He told me about the people he had met—members of the Wyoming Democrat Party at the time—relationships he had built nearly 50 years ago. He named one after another as if he was reading from text. It was a stunning moment to watch Senator Kennedy recall places, events, and people in my home State from 1960.

At my welcoming reception he took personal time with my son Peter and my daughter Emma, both in college. He said to them, "So you're the brother and you're the sister—you know I had some brothers." He talked about John and Robert and Joe. A living history lesson. He invited them up to his office to show them pictures and other memorabilia.

In his office in the Russell Building he must have spent half an hour with Peter and Emma going over pictures of his father Joe, mother Rose, and the Kennedy kids. He shared letters, notes from history.

I think he enjoyed it nearly as much as we did. He beamed when he spoke about his family.

Senator Kennedy leaves behind an astonishing legislative record of accomplishment. He achieved his goals to a degree that perhaps no other Senator in history has. As a public servant, he has few equals.

But he was so much more. Ted also leaves us with the memory of the man—the memory of his kindness and grace, his humility.

Books will detail Ted Kennedy's legislative victories. His moments in history. I will remember the moments he took to warmly and unexpectedly welcome this new Senator and touch the lives of my family that day as well.

To Vicki, we extend our family's sympathy and hope the coming days are filled with more love, God's grace and strength to go on. Bobbi and I wish the Kennedy family our best and our prayers are with you.

Ms. MURKOWSKI. Mr. President, I was deeply saddened by the passing of Senator Edward M. Kennedy in August, my colleague on the Health, Education, and Labor Committee, a statesman in every sense of the word, and a Senator not just for the people of Massachusetts but for every corner of the Nation. I am grateful for the time I shared with him as a colleague and as a friend.

Senator Kennedy may be best known in this body for his consistent leadership on the big national issues. Whether you agreed with him or not Senator Kennedy was "all in" on the issues he

cared about, like health care and education, and a formidable force to be reckoned with.

While Senator Kennedy was firm in his convictions, he was open to the ideas of other Senators, regardless of party affiliation. As most Senators who worked with him know, Senator Kennedy had an unequaled reputation for compromise and negotiation. As legislation was being written and developed, he recognized the importance of other Senators' perspectives on an issue, including mine, and was therefore willing to alter legislative proposals for the sake of cooperation and finding middle ground with Senators from any political party. The two years I spent on the HELP Committee with him as my chairman were truly a blessing.

There was so much to admire about Senator Kennedy's career. But the thing I really admired about Senator Kennedy was his ability to look beyond the beltway to take up causes that might seem obscure to many in this body—causes that offended Senator Kennedy's sense of justice. Let me offer a few examples from my State of Alaska.

Federal law requires agencies to reinstate civil servants who go on active duty in the National Guard and Reserves when their service is complete. The law goes by the acronym USERRA. When Bob Traut of Palmer, AK, completed his active duty service with the Alaska National Guard, he was not reinstated to his position in the Indian Health Service. His position had been eliminated and he was not offered another. He filed a USERRA complaint with the Department of Labor, which was passed around among investigators and ultimately lost. Several years after he started this process he was offered a Federal position at a U.S. Coast Guard base hundreds of miles from his home. He couldn't drive to his new workplace—he had to fly there because Kodiak is an island not connected by road to the rest of Alaska. Even then his back pay claims were lost in a morass of bureaucracy, in spite of repeated inquiries from my office. Bob Traut's fortunes changed when Senator Kennedy decided to hold an oversight hearing about USERRA focused on Bob Traut's case.

The Alaska Native Claims Settlement Act, the 1971 law which resolved the aboriginal land claims of Alaska's first peoples, is truly one of the landmark pieces of federal Indian legislation. The administration offered Alaska's Native people 10 million acres of land. Senator Kennedy came to the floor on several occasions to argue that the number of acres should be no less than 40 million. The ultimate settlement was 44 million acres. A settlement which might not have been possible without Senator Kennedy's leadership.

As the chairman of the Subcommittee on Indian Education, Kennedy joined a few other Senate colleagues on a trip to several Alaska Native villages in April 1969. Kennedy recalls being stunned by the poverty and despair in the villages, many of which still lack basic sanitation and are plagued by high rates of sexual assault, domestic violence, and suicide. It affected Senator Kennedy so deeply that he found it difficult to "numb the pain."

The course of Senator Kennedy's life brought him many blessings and accomplishments. He was a father of three beautiful children and two stepchildren, a Harvard graduate, a nine-term Senator with the third longest time serving in the U.S. Senate in American history, a veteran of the Army, a talented football player who almost went pro but opted instead for a life of public service . . . the list goes on.

My condolences and blessings go out to his family, especially his wife and children. Despite Ted's passing, his spirit lives on. There is little doubt in my mind that this spirit will inspire generations of our colleagues in the years ahead to take up his causes and ensure that the vulnerable in America, the often forgotten Americans who live in remote places like rural Alaska, are never forgotten.

Ted, thank you for your service.

#### COMMENDING SENATOR MEL MARTINEZ

Mr. ENZI. Mr. President, it is always a bittersweet moment when we have to say goodbye to a colleague who is retiring from the Senate. We are sorry to see them go, but we are also very appreciative of all they have brought to our deliberations during their years of service to the people of their home State and the Nation.

Mel Martinez is such a person—the kind who makes the Senate the great deliberative body that it is, for Mel has a great story to tell of his life and how he came to the United States to pursue his own version of the American dream.

If you would have told Mel when he was young that he would someday serve as an elected official in the U.S. Government, I am not sure he would have believed you. He began his life in a small city in Cuba, under the repressive regime of Fidel Castro. At the age of 15 he escaped and began to pursue his destiny in the United States. At every stage of his life he was determined to do everything he could to make a difference. Looking back, I think it's clear he has succeeded beyond his wildest dreams.

From the time he first arrived in the United States, Mel was grateful for the opportunities that were available to him, and he was determined to give something back to show his appreciation for them.

He began in his own backyard when he served as mayor of Orange County.

As a former mayor myself, I know how difficult a job that can be. For Mel, it was a chance to make the lives of his neighbors and fellow citizens better and that became his focus and his top priority.

He did a good job and quickly earned the respect and support of his fellow townspeople. He also caught the attention of then President-elect George Bush who was looking for someone to serve in his Cabinet who had experience dealing with housing issues and the problems that were facing our cities and towns. That is something that Mel had been dealing with in Florida, so he became the first Cuban American appointed to a President's Cabinet when he was named to serve as our Secretary of Housing and Urban Development.

Soon after Mel was sworn in he found himself in the middle of a challenge as great as any that had ever been faced by a Cabinet Secretary before. In the aftermath of the terrorist attacks of September 11, Mel was assigned the responsibility of working on the reconstruction of lower Manhattan.

Then, having served on both the local and national level, Mel then decided to take on another challenge—representing the people of Florida in the Senate. Mel proved to more than up to the task as he has taken on a variety of issues and served on several different committees. Through it all, he has worked hard to put his principles and values into practice every day and he has a great deal to show for his service to the people of Florida in the Senate.

In the years to come, I will always remember Mel's remarkable life story that stems from the years he spent in Cuba living under a dictatorship. They were a matter of great interest to me when I was a student, but for him, it was his life. While I had only read about and watched the drama unfold during my years at George Washington University, Mel had lived it. It was a time that helped to shape his character and mold his destiny and make him appreciate the great gift of citizenship that far too many of us take for granted.

Mel has also impressed me as a man of great faith who takes his relationship with God very seriously. He shared his belief with us at one of our Prayer Breakfasts and he impressed us all with his great sincerity and his unshakeable belief that God had placed him where He needed him and that was why he was in the Senate. He saw it as an opportunity to serve God and the people back home in Florida, as well as those he left behind in Cuba and many more just like them all over the world.

Too often when we say goodbye to one of our fellow members, we forget that there is just as much life outside of the beltway as there is inside it. Our focus on Washington and our work in the Senate sometimes makes us think that this is the only place where we can pursue our dreams and make a difference in the world around us. Mel is

proof positive that there are many ways that we can make this a better world and in the years to come, as this chapter in his life ends and another begins, I have no doubt we will see Mel continue his efforts to address the problems of this world to ensure that those who have lived for too long in fear and oppression in Cuba and all over the world will someday claim the rights and freedoms we all cherish as their own.

Good Luck, Mel. I hope you and Kitty enjoy the years to come. Together you have made a great team and we know there is still much more to come in this great adventure of your lives. Good luck and God bless.

Mr. CORNYN. Mr. President, I join my colleagues in appreciation and admiration of Senator Mel Martinez.

Mel lived the first 15 years of his life under communist dictatorship in Cuba. That experience gave him a special appreciation for the blessings of liberty. As Mel's own career in public service took him from Florida to Washington, he never forgot the people living under totalitarianism in his homeland. And he never wavered in his conviction that the people of Cuba deserved the same rights as the rest of us, especially the rights to choose our leaders, worship as we please, and live in freedom.

Mel distinguished himself as a lawyer in central Florida, then won elective office as mayor of Orlando, and was appointed by President Bush to serve as his first Secretary of Housing and Urban Development. Secretary Martinez helped the people of lower Manhattan rebuild after the terrorist attacks of September 11, 2001, and he worked to expand opportunities for home owners nationwide. Mel was proud that he was the first Cuban-American to ever serve in a President's Cabinet.

Mel was also the first Cuban-American to serve in the U.S. Senate. In this Chamber, he raised his voice to strengthen our national defense, especially the Navy's shipbuilding program. He supported the development of America's natural resources in an environmentally responsible way. He had a heart for victims of Alzheimer's disease and their families, and supported greater Federal research funding to help find a cure.

Senator Martinez and I shared a concern about waste, fraud, and abuse in Medicare and Medicaid. So earlier this year, he and I introduced legislation to do something about it. The Seniors and Taxpayers Obligation Protection Act or the STOP Act would give Federal agencies greater tools and authority to detect waste, fraud, and abuse before they happen. The STOP Act has sponsors on both sides of the aisle, and I believe its provisions should be a part of our efforts to reform our health care system.

Mel served less than a full term in the Senate, but he has helped shape legislation that will govern our Nation for years to come. He and his wife